



K-1786
PATENT

- 1 -

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail, in an envelope addressed to Assistant Commissioner for Patents, Box Fee Amendment, Washington, DC 20231, on August 14, 2002, by Kevin P. Weldon, Registered Representative.

Kevin P. Weldon
Kevin P. Weldon

Date: August 14, 2002

#7
Election
8/29/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
RANDALL W. OJANEN) GROUP ART UNIT 3672
Serial No. 09/838,348) Examiner:
Filed: April 19, 2001) Sunil Singh
For: ROTATABLE CUTTING TOOL WITH) August 14, 2002
ISOLATED RETAINER STOP)

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Washington, DC 20231

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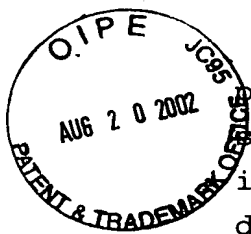
GROUP 3600

RESPONSE TO RESTRICTION REQUIREMENT

This letter is in response to the Examiner's Election/Restriction Requirement, mailed July 15, 2002. In the Office Communication, the Examiner requested applicant to elect one of two potentially distinct species under 35 U.S.C. 121. The Examiner identified as the two distinct species, Species I, having a retainer sleeve with stop tabs, and Species II, having a retainer sleeve with an outward dimple. It should be noted that no figure in the drawings was identified as exclusively illustrating Species I and Species II.

In a telephone conversation with Examiner Singh, on August 9, 2002, applicant informed the Examiner that the Office Communication received by applicant was neither stamped by a Primary Examiner, nor signed by any official at the USPTO. The applicant informed the Examiner that, despite this, in order to avoid administrative delay and potential inadvertent abandonment by the USPTO for failure to respond to said unofficial document, the applicant would respond to the communication as received, as if it had been executed properly.

Along these lines, the applicant elects Species II, to a retainer with dimples. This election of Species II is made with traverse.



In MPEP 806.04(f), the requirements for a proper species requirement are outlined. For different species, a claim must recite limitations that are found in one disclosed embodiment (species) and not the other disclosed embodiment (species), and a second claim must recite limitations found in the second embodiment, and not the first embodiment.

In the present application, the dimples are shown in combination with the stop tabs. Figure 5, and the magnified views of Figures 11 and 12, disclose a retainer embodiment incorporating stop tabs and dimples. The application does not disclose the use of dimples with a retainer as being mutually exclusive to employing stop tabs with a retainer. Stop tabs and dimples are not described in the application as being distinct and independent of each other.

It is submitted that the Examiner's restriction requirement is improper and should be withdrawn, and that Claims 1-31 be treated on their merits.

Please telephone applicant with any comments or questions (724-539-3848) in order to expedite prosecution of the application.

The Commissioner is hereby authorized to charge any fees, including additional filing fees required under 37 CFR 1.16 and 1.17, in connection with this submission to Kennametal Inc. corporate Deposit Account 11-0508.

Respectfully submitted,

Kevin P. Weldon
Attorney for Applicant(s)
Registration No. 47,307
Phone: 724-539-3848
Date: August 14, 2002

Kennametal Inc.
P.O. Box 231
Latrobe, PA 15650
Encs.
K1786\rep\2224resp

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CP/3673

DOCKET NO. K-1786
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RANDALL W. OJANEN
Serial No. 09/838,348
Filing Date: April 19, 2001
For: ROTATABLE CUTTING TOOL WITH ISOLATED RETAINER STOP
GROUP ART UNIT: 3673
EXAMINER: Sunil Singh

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GROUP 3600

HON. ASSISTANT COMMISSIONER FOR PATENTS
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August 14, 2002

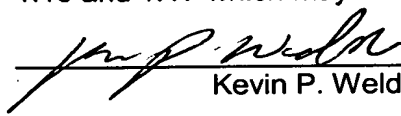
Sir: TRANSMITTAL SHEET

- Transmitted herewith is a response to a Restriction Requirement in the above-identified application. Enclosed are:
 - ☒ Response to Restriction Requirement Mailed July 15, 2002
 - ☒ Information Disclosure Statement, PTO-1449 and copies of listed documents
- Applicant is other than a small entity.
- The fee for claims has been calculated as shown below:

CLAIMS AS AMENDED							
	Claims After Amendment	Number Paid For		Number Extra	Rate	Added Fee	
Total Claims	31 -	31	=	0	X \$18	=	0
Independent Claims	6 -	6	=	0	X \$84	=	0
Multiple Depend. Claims							
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0	

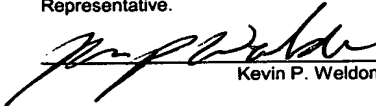
- ☒ Charge to Deposit Account No. **11-0508** **\$0**
☒ A duplicate copy of this letter is enclosed.

The Commissioner is hereby authorized to charge any additional fees included in 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment, to said Deposit Account.

 _____ Date: August 14, 2002
Kevin P. Weldon

CERTIFICATE OF MAILING

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